IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29-11-2007

CORAM:

THE HONOURABLE MR.JUSTICE P.JYOTHIMANI

W.P.Nos.33722 and 36042 of 2007
&
M.P.Nos.1 of 2007

The Management, G.M.Aslam & Co.
2 & 67, Periyanna Maistry Street,
Periyamed,
Chennai-600 003. . . Petitioner in both the petitions

Vs.

The Tahsildar
Fort Tondiarpet Taluk
Periyamed
Chennai-600 003. . . Respondent in both the petitions

W.P.No.33722 of 2007

The writ petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari calling the records pertaining to the Show Cause Notice of the respondent in No.A4/41119/2007 dated 01.10.2007, quash the same.

W.P.No.36042 of 2007

The writ petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the respondent to unlock the premises viz., M/s.G.M.Aslam and Co at No.2 & 67, Perianna Maistry Street, Periamet, Chennai-3 which was locked and sealed on 05.11.2007.

For Petitioner : Mr.C.K.M.Appaji in both petition

For Respondents :Mr.N.Senthil Kumar GA in both petition

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ORDER

Heard the learned counsel for the petitioner as well as Mr.N.Senthil Kumar who has taken notice on behalf of the respondent.

2. W.P.No.33722 of 2007 is directed against the show cause notice issued by the respondent, by invoking the powers under the Revenue Recovery Act, to pay a sum of Rs.8,22,199.60 which is due by the petitioner under an award passed by the Principal Labour Court, Chennai in C.P.No.436 of 2000 dated 28.06.2004 in respect of seven employees of the petitioner's management.

3. W.P.No.36042 of 2007 is filed for a direction to the respondent to unlock the premises viz., M/s.G.M.Aslam and Co at No.2 & 67, Perianna Maistry Street, Periamet, Chennai-3 which was locked and sealed on 05.11.2007 pursuant to the enforcing of the award under the Revenue Recovery Act.

4. It is the case of the petitioner that as against the award of the Labour Court dated 28.06.2004 passed in C.P.No.436 of 2000 the petitioner has filed W.P.No.26300 of 2004 and the same is pending. Admittedly, this Court has not granted any stay of the labour Court award. In view of the same, there is an obligation on the part of the petitioner to pay the amount of award. Considering the difficulty expressed by the petitioner in the writ petitions and after hearing the learned Government Advocate, I am of the considered view that the petitioner must be directed to pay a substantial amount due under the award and thereafter he may be permitted to give explanation to the show cause notice. Accordingly, the writ petitions are disposed of with the following directions;

i) the petitioner shall deposit an amount of Rs.5,00,000/- (Rupees five lakhs only) to the respondent in part payment of the amount due under the award in C.P.No.436 of 2000 dated 28.06.2004;

ii) On the petitioner paying such amount, the respondent shall unlock the premises of the petitioner viz., M/s.G.M.Aslam and Co at No.2 & 67, Perianna Maistry Street, Periamet, Chennai-3; and

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iii) Thereafter, the petitioner is entitled to give his explanation to the show cause notice issued by the respondent dated 01.10.2007 and on receipt of such explanation, the respondent shall pass subsequent orders;

Failing compliance of any one of the above said conditions, it is open to the respondent to proceed in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

Jikr

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

The Tahsildar
Fort Tondiarpet Taluk
Periyamed
Chennai-600 003.

+ 2 ccs to Mr. C. K. M. Appaji, Advocate SR No. 70932, 70931
+ 1 cc to the Government Pleader, SR No.71014

W.P.Nos.36042 & 33722 of 2007

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SR/3.12.2007

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